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AUTHOR McEwan, Barbara
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ABSTRACT

When teaching moral education, the ethical dilemma often faced by educators revolves around the question of whose morals should be taught. Judicious Discipline, a constitutional model for classroom management, proposes to answer this question by offering educators the opportunity to teach the moral standards of the U.S. democratic system of government. The legal framework for this model helps educators avoid common pitfalls of rules reflecting bias and caprice by providing legal rationales to discipline decisions. Beyond the legal framework, however, Judicious Discipline also speaks to the issues of professional ethics among teachers and administrators. This combination of constitutional law and ethical practices is synthesized in Judicious Discipline to create a model that empowers educators with a means for making fair and rational decisions and allows students to understand their rights and responsibilities as citizens of the United States. (Author/DB)

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JUDICIOUS DISCIPLINE: CITIZENSHIP VALUES AS A FRAMEWORK FOR MORAL EDUCATION

ABSTRACT
By
Barbara McEwan, Ed.D.

Judicious Discipline takes its framework from the United States Constitution, but in a broader sense, its premise is based upon concepts of Human Rights. If we are to create an international society which values the qualities of morality, compassion, and empathy, it only seems sensible to foster the growth of such beliefs in the educational setting? Judicious Discipline advocates respecting and treating students as citizens, fully empowered by their system of government to exercise individual rights. Balanced against these individual rights are the welfare and needs of society. Whether the system of government is based on the United States Constitution, or has a different underpinning, the limitation of rights to protect society's needs justifies most governmental decisions. The primary focus of Judicious Discipline is to teach students how this balance is reflected in their freedoms as well as their personal responsibilities.

When discussing moral education the question always asked is "Whose morality do we teach?" Generally the response is that the morals taught should reflect common ideas of courtesy. While most people agree that polite behavior is a desirable trait, problems arise when we must determine whose idea of courtesy will be promoted. For instance, in the United States a common custom is to expect that men will remove their hats when entering a building. Many school students, in particular males, are told they may not wear hats to school because of this practice. But exceptions must then be made for students who are undergoing chemotherapy or who come from certain religious or cultural backgrounds. When rules must be adjusted and readjusted to meet the reasonable expectations of various family values and

personal requests, the rules themselves become questionable.

Judicious Discipline takes a unique position in this discussion by suggesting that moral education should be based on the moral code implied in the United States Constitution. Accordingly, as this model plays out, students are instructed in citizenship values every day they are in the classroom and those values are reinforced with each decision made.

The primary focus of Judicious Discipline lies in the application of constitutional rights to the school and classroom environment. "Constitutional rights exist to protect three basic values: freedom, justice, and equality. To live in a free society, however, does not mean we have license to do as we please. The controversy over the question of how, when, and where to limit individual freedoms is a never-ending questions our society constantly seeks to balance...Justice is concerned with due process and deals with basic governmental fairness....Finally, equality presents us with the problem of distributing burdens as well as benefits. The proposition that all people are created equal has never meant that we all possess the same ability, interests, or talents. These three values - freedom, justice, and equality - have their antecedents in the United States Constitution and are basic to understanding individual liberties and civil rights." 1

To better understand the role Judicious Discipline plays in supporting and maintaining a moral classroom climate, time must be spent exploring practical classroom applications. Procedural and substantive due process are powerful moral concepts and provide a solid framework to discipline as well as curriculum decisions. Procedural due process requires that students receive notice and a hearing before being excluded from educational opportunities. In a classroom this takes the form of simply asking a student if there is a problem before making a determination about how to deal with an inappropriate behavior. David Schimmel in his article titled "Constitutional Imperatives for the Public Schools" cites research suggesting that, "in

due process schools, students tend to use the established procedures to resolve conflicts (in other words, they tend to request a hearing with the principal rather than throw a brick through his window.)"2 Conflicts are often avoided or solved without damage to self-esteem when students are given a chance to tell their side of the story.

Substantive due process is a more subtle concept and reflects the fairness of the rule itself. Educators who understand substantive due process have a powerful handle on the issues surrounding the formation and implementation of equitable classroom policies regarding grades, attendance, late arrivals, and other issues. Moral education is clearly modeled by educators who take time and show concern over issues of fairness. "Treating students fairly does not mean treating every student the same."3 Rather it means that the professional in charge of carrying out discipline and curriculum decisions will take individual needs into account before acting. These ideas are supported by the concepts of equality and freedom in school settings and find practical application in the form of a student's right to an equal educational opportunity.

Educators must strive to insure that all students, no matter what race, gender, religion, national origin, handicap, age, or marital status might be, will not experience discrimination at the hands of other educators or peers but that they will receive equal attention to individual needs. Once teachers and administrators have created rules that reflect equanimity, they are empowered to carry this focus over into the area of curriculum development. The Constitution is well served by educators who practice strategies to meet the needs of each student in terms of learning styles, integrated curriculum and cooperative learning opportunities. Once the rules and curriculum have been established, educators can enhance their professional mission through a discussion of Ethics.

The springboard for an examination of Ethics is the concept of Liberty. Liberty, as defined by the United States Constitution, refers to the future of all citizens. How an

educator ensures the protection of future interests for every student in any classroom begins with a commitment to self evaluation. Common grading practices, casual sarcasm, inappropriate displays of anger can create deep scars in students that are still painful years after the experience. My college students often tell me that they see themselves as deficient in math or reading or believe themselves to have been "bad" in school as a result of some ill-considered comment made by a teacher years before.

In order to fully ensure the protection of liberty interests, educators must constantly make decisions that will not demean, belittle, or in any way diminish a student's ability to learn. The ethical decisions that an educator makes are the reflection of a moral society and teach, by example, moral behavior.

Judicious Discipline reflects the goals of moral education by teaching educators and students about the rights human have to the expectation of fair and equal treatment in the public arena. By focusing on the standards of constitutional law, Judicious Discipline eliminates the whim, caprice and bias so often present in classrooms and yet so antithetical to the goals of a moral society.

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1. Forrest Gathercoal, Judicious Discipline , Caddo Gap Incorporated
2. David Schimmel, "Constitutional Imperatives for the Public Schools", The High School Journal, April/May 1988
3. Forrest Gathercoal, Judicious Discipline , Caddo Gap Incorporated